

Remarks

This Amendment is in response to the Office Action dated August 3, 2007. Claims 1-19 have been withdrawn. Claims 20-40 are pending.

Comments

In claims 20 and 28-36, the word “colour” has been amended to “color” as suggested by the Examiner. Claim 20 has been amended to recite the word “paste” in order to provide antecedent basis.

Claim Rejections - 35 USC §112

With regard to the 35 U.S.C. §112 rejection, the Applicant respectfully submits that this claim does not need a unit. It is clear that the Applicant intends to claim a patination material that has an amount of dry matter as part of the patination material. This dry matter is present in an amount of 15 -50% of the patination material. The Specification at page 8, line 25 - page 9, line 7 discusses the dry matter component of the patination material.

Claim Rejections - 35 USC §103

Claims 20-37 and 40 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Atrens et al (WO 9529207 A1) in view of Chiba et al. (US 5,447,561).

In the Office Action, the Examiner contends that Atrens et al. do not disclose an oxidative agent and carbon as part of the artificial patination material. The Examiner has combined Atrens et al. with Chiba et al., which discloses iron oxide and carbon as use for pigments in paint or printing ink (see abstract of Chiba et al.). The Examiner’s articulated reason for combining the references is that one of ordinary skill in the art would have been motivated to use the pigments of Chiba et al. to obtain a desired color for the patination material of Atrens et al.

The present invention is directed to a patination material having at least one copper salt and an alkali metal hydroxide. The patination paste material also contains an oxidative agent and a carbon catalyst.

The Applicant respectfully submits that in Chiba et al. the carbon and metal hydroxide are taught to be pigments. But in the present invention, the carbon catalyst and metal hydroxide are reactive components in a composition and these components actually change the composition. Thus, one of ordinary skill in the art would not look to a nonreactive “pigment” in order to find a reactive component for changing a patination material composition.

Applicant respectfully submits that claim 20 requires an “oxidative agent.” Chiba et al. discloses that yellow iron oxide is used as a pigment. In the Chiba et al. composition the yellow iron oxide is specifically not reactive. As can be seen in Applicant’s claim 20, the oxidative agent component is reactive.

Applicant also respectfully submits that claim 20 requires “carbon for catalyzing natural patina.” Chiba et al. discloses that the carbon can be used as a pigment in the resin composition. Thus, the carbon of Chiba et al. is specifically not reactive. As can be seen in Applicant’s claim 20, the carbon component further catalyzes the patination material composition. Thus, the carbon is reactive within the composition, thereby changing the composition.

In summary, Chiba et al. teaches a pigment-dispersed resin for use as paint or printing ink. The disclosed pigments of Chiba et al. are not reactive in the resin composition. To contrast the carbon catalyst and metal oxide of the present invention are reactive in the patination material composition. Thus, Applicant respectfully argues that one of ordinary skill in the patination art will not be motivated to look to prior art references that teach nonreactive pigments because the carbon catalyst and the oxidative agent are reactive in the composition of the present invention.

Further still, the paint or printing ink composition of Chiba et al. is not reactive on the substrate to which it is applied. To contrast, the patination material of the present invention is inherently reactive on the copper substrate to which it is applied. Thus, it is not desirable to have a reactive composition for a paint or an ink composition, while it is desirable to have a reactive

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composition for a patination material. Because the compositions of Chiba et al. and the present invention differ as to reactivity, the Applicant submits that one of ordinary skill in the patination arts would not look to the printing ink or painting arts to solve the problem of the present invention.

Further, the Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to take Artens et al., which discloses a copper salt precipitated with an alkali metal hydroxide, and combine it with Chiba et al. with a reasonable expectation of success. Chiba et al. is directed to a pigment-dispersed resin composition (see column 1, lines 55-56). The resin composition is a thermoplastic or thermosetting resin or an elastomer (column 5, lines 4-7).

One of ordinary skill in the patination arts would not have had a reasonable expectation of success that a pigment that is effective in a resin would be effective in a copper salt precipitated with an alkali metal hydroxide. This is especially true because Chiba et al. does not disclose that carbon or metal hydroxide would be effective in an artificial patination material. A patination material comprising a copper salt precipitated with an alkali metal hydroxide is not analogous to a thermoplastic or thermosetting resin. Thus, one of ordinary skill in the art would not look to a reference disclosing a resin to solve the problem of providing an artificial patination material.

Because the Examiner has not made a prima facie case of obviousness, Applicants respectfully request that the rejection of claims 20-37 and 40 be withdrawn.

Claims 38 and 39 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Artens et al (WO 9529207 A1) in view of Chiba et al. (US 5,447,561) as applied to claim 20 above and further in view of Priggmeyer et al. (US 6,176,905 B1).

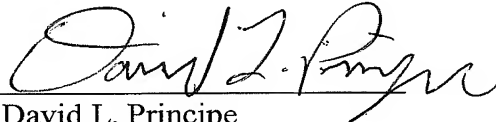
The Applicant respectfully submits that the Examiner has not made a prima facie case of obviousness for claim 20. Nothing in Priggmeyer et al. overcomes the deficiency of the above rejection. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

CONCLUSION

It is believed that the Applicants have responded fully to all of the issues raised by the Examiner. Based on the above arguments and amendments, the Applicants respectfully submit that Claims 20-40 are allowable. Therefore, the Applicants respectfully request the Examiner to allow these claims.

This response is being submitted with a three-month extension fee. If any additional fee is due, the Examiner is authorized to charge it to deposit account number 08-2442.

Respectfully submitted,

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